PTOL-413A (01-09)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# Applicant Initiated Interview Request Form

Application No.: 10/686,071 First Named Applicant: Ovenden
Examiner: Chang Art Unit: 2454 Status of Application: Pending

**Tentative Participants:**
(1) David Dagg (2) Examiner Chang
(3) (4)

**Proposed Date of Interview:** March 3, 2009 **Proposed Time:** 10:30 AM **AM/PM**

**Type of Interview Requested:**
(1) ☑ **Telephonic** (2) ☐ **Personal** (3) ☐ **Video Conference**

**Exhibit To Be Shown or Demonstrated:** ☐ **YES** ☐ **NO**
**If yes, provide brief description:**

## Issues To Be Discussed

| | **Issues (Rej., Obj., etc)** | **Claims/ Fig. #s** | **Prior Art** | **Discussed** | **Agreed** | **Not Agreed** |
|---|---|---|---|---|---|---|
| (1) | Rejections | 1, 13 and 25 | Yazaki, Phaal | ☐ | ☐ | ☐ |
| (2) | | | | ☐ | ☐ | ☐ |
| (3) | | | | ☐ | ☐ | ☐ |
| (4) | | | | ☐ | ☐ | ☐ |

☐ Continuation Sheet Attached

**Brief Description of Argument to be Presented:**
See proposed amendments filed herewith.

**An interview was conducted on the above-identified application on ____________.**
**NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).**
**This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.**

/David Dagg/
Applicant/Applicant's Representative Signature
David Dagg
Typed/Printed Name of Applicant or Representative
37,809
Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Applicant(s): Francis Ovenden | |
| Application No.: 10/686,071 | Group Art Unit: 2454 |
| Filed: 10/15/2003 | Examiner: Chang |
| Title: NETWORK ACCOUNTING STATISTICS COLLECTION | |
| Attorney Docket No.: 120-282<br>Client Ref. No.: 16027BAUS01U | |

Commissioner for Patents
Alexandria, VA 22313-1450

## PROPOSED AMENDMENT

Dear Sir:

This Proposed Amendment is filed together with a completed Applicant Initiated Request Form (PTOL-413A) in response to the Pre-Interview Communication dated January 26, 2009.

## In the Claims:

Below please find Proposed Amendments for discussion with the Examiner in an interview pursuant to the First Action Interview Pilot Program and the completed Applicant Initiated Interview Request Form filed herewith.

1. (currently amended) A system for network accounting statistics collection, comprising:

a statistics collector associated with a packet forwarding engine;

at least one accounting element within said statistics collector, wherein said accounting element includes at least one counter;

wherein said packet forwarding engine is operable to generate at least one accounting instruction in response to a packet processed by said forwarding engine, wherein said accounting instruction includes unique identification of said accounting element within said statistics collector;

wherein said statistics collector is operable to process at least one accounting instruction generated by said collocated forwarding engine, wherein said processing includes identifying said at least one accounting element responsive to said unique identification of said accounting element in said accounting instruction, and wherein said processing includes incrementing said at least one counter within said at least one accounting element responsive to said at least one accounting instruction; and

a system control component operable to forward a contents of said at least one accounting element to an accounting and statistics system, and wherein said accounting and statistics system is further operable to compute at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system is further operable to forward statistical output to a routing control system, wherein said routing control system is operable to use said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distribute said new route for said packet flow to at least one networking device.

2. (original) The system of claim 1, wherein said at least one counter includes a packet counter, and wherein said incrementing said at least one counter within said at least one accounting element responsive to said at least one accounting instruction includes incrementing said packet counter.

3. (original) The system of claim 1, wherein said at least one counter includes a byte counter, and wherein said incrementing said at least one counter within said at least one accounting element responsive to said at least one accounting instruction includes incrementing said byte counter by a byte count value stored in said accounting instruction.

4. (original) The system of claim 1, wherein said statistics collector is further operable to collect data over a predetermined sampling interval, and, following an end of said sampling interval, send said collected data to a management system for further processing of said collected data.

5. (original) The system of claim 1, wherein said statistics collector is further operable to reset said at least one counter in said at least one accounting element to a zero value at the beginning of said sampling interval.

6. (original) The system of claim 1, further comprising a user interface operable to obtain at least one flow definition, said at least one flow definition including at least one packet characteristic to be associated with said at least one accounting element.

7. (original) The system of claim 1, wherein said forwarding engine is further operable to generate said at least one accounting instruction in response to processing of a packet by said forwarding engine, wherein said packet is discarded by said forwarding engine.

8. (currently amended) The system of claim 1, further comprising:

~~a system control component operable to forward a contents of said at least one accounting element to an accounting and statistics system, and wherein said accounting and statistics system is further operable to compute at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system is further operable to forward statistical output to a routing control system, wherein said routing control system is operable to use said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distribute said new route for said packet flow to at least one networking device;~~

wherein said routing control system is further operable to distribute forwarding information to said at least one network device, wherein said forwarding information associates at least one packet characteristic with an associated one of a plurality of accounting elements; and

wherein said at least one statistical output includes route utilization information.

9. (canceled)

10. (canceled)

11. (previously presented) The system of claim 1, further comprising:

wherein said accounting instruction further includes a traffic class selector field, and wherein a contents of said traffic class selector field indicates a traffic class of said packet processed by said forwarding engine; and

wherein said accounting instruction further includes a policing compliance field, and wherein a contents of said policing compliance field indicates whether said packet processed by said forwarding engine was compliant with traffic policing requirements.

12. (canceled)

13. (currently amended) A method of collecting network accounting statistics, comprising:

generating at least one accounting instruction in response to a packet processed by a forwarding engine, wherein said accounting instruction includes unique identification of an accounting element, wherein said accounting element is one of a plurality of accounting elements; ~~and~~

processing said at least one accounting instruction, wherein said processing includes identifying said accounting element responsive to said unique identification of said accounting element in said accounting instruction, and wherein said processing includes incrementing at least one counter within said at least one accounting element responsive to said at least one accounting instruction; and

forwarding a contents of said at least one accounting element to an accounting and statistics system, wherein said accounting and statistics system computes at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system forwards said statistical output to a routing control system, wherein said routing control system processes said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distributes said new route for said packet flow to at least one networking device.

14. (original) The method of claim 13, wherein said at least one counter includes a packet counter, and wherein said incrementing said at least one counter within said at least one accounting element responsive to said at least one accounting instruction includes incrementing said packet counter.

15. (original) The method of claim 13, wherein said at least one counter includes a byte counter, and wherein said incrementing said at least one counter within said at least one accounting element responsive to said at least one accounting instruction includes incrementing said byte counter by a byte count value stored in said accounting instruction.

16. (original) The method of claim 13, further comprising collecting data over a predetermined sampling interval, and, following an end of said sampling interval, send said collected data to a management system for further processing of said collected data.

17. (original) The method of claim 13, further comprising resetting said at least one counter in said at least one accounting element to a zero value at the beginning of said sampling interval.

18. (original) The method of claim 13, further comprising obtaining at least one flow definition from a user, said at least one flow definition including at least one packet characteristic to be associated with said at least one accounting element.

19. (original) The method of claim 13, further comprising generating said at least one accounting instruction in response to processing of a packet by a forwarding engine, wherein said packet is discarded by said forwarding engine.

20. (currently amended) The method of claim 13, further comprising:

~~forwarding a contents of said at least one accounting element to an accounting and statistics system, wherein said accounting and statistics system computes at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system forwards said statistical output to a routing control system, wherein said routing control system processes said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distributes said new route for said packet flow to at least one networking device;~~

said routing control system distributing forwarding information to said at least one network device, wherein said forwarding information associates at least one packet characteristic with an associated one of a plurality of accounting elements; and wherein said at least one statistical output includes route utilization information.

21. (canceled)

22. (canceled)

23. (previously presented) The method of claim 13, further comprising:

wherein said accounting instruction further includes a traffic class selector field, and wherein a contents of said traffic class selector field indicates a traffic class of said packet processed by said forwarding engine; and

wherein said accounting instruction further includes a policing compliance field, and wherein a contents of said policing compliance field indicates whether said packet processed by said forwarding engine was compliant with traffic policing requirements.

24. (canceled)

25. (currently amended) A system for collecting network accounting statistics, comprising:

means for generating at least one accounting instruction in response to a packet processed by a forwarding engine, wherein said accounting instruction includes unique identification of an accounting element, wherein said accounting element is one of a plurality of accounting elements; ~~and~~

means for processing said at least one accounting instruction, wherein said processing includes identifying said accounting element responsive to said unique identification of said accounting element in said accounting instruction, and wherein said processing includes incrementing at least one counter within said at least one accounting element responsive to said at least one accounting instruction; and

means for forwarding a contents of said at least one accounting element to an accounting and statistics system, wherein said accounting and statistics system computes at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system forwards said statistical output to a routing control system, wherein said routing control system processes said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distributes said new route for said packet flow to at least one networking device.

REMARKS

This paper is responsive to Pre-Interview Communication dated January 26, 2009. The proposed Amendments herein are respectfully intended to clarify the claims and address the potential rejections and/or objections stated in the Pre-Interview Communication.

The combined cited references include disclosure of a statistical collection means 1130 in Yazaki et al. (see Fig. 11 and Fig. 17) together with a management terminal 170, while Phaal teaches gathering the overall performance of a network for presentation to users. Neither Yazaki et al. nor Phaal is concerned with forwarding a contents of said at least one accounting element to an accounting and statistics system, wherein said accounting and statistics system computes at least one statistical output based on said contents of said at least one accounting element, and wherein said accounting and statistics system forwards said statistical output to a routing control system, wherein said routing control system processes said at least one statistical output to determine a new route for a packet flow in response to said statistical output and distributes said new route for said packet flow to at least one networking device, as in the present independent claims.

A completed Applicant Initiated Interview Request Form (PTOL-413A) is filed herewith.

Respectfully Submitted,

_February 12, 2009___
Date

___/David Dagg/___________
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